

**RAGSDALE IS
WEAK**

**IN HIS MIND,
SON**

**ADMITS ON
STAND**

Solicitor Dorsey
Develops

Fact That Lehon,
Shortly

Before Affidavits
Were

Made, Paid Over to
Tedder

\$500

LEHON SENT ROGERS
TO WARN
WITNESSES

H. D. Thomason,
State's Wit-

ness, Springs Surprise by Swearing He Would Not Be- lieve Ragsdale on His Oath

There were two striking developments Friday in the trial of Dan S. Lehon, Arthur Thurman and C. C. Tedder for Subornation of Perjury in the Frank Case.

First, Judge Arthur Powell, of the Defense, brought from C. B. Ragsdale on cross-examination the admission that he has “spells with his mind,” and brought from Ragsdale’s son, W. A. Ragsdale, the admission that he considers his father’s mind unsound.

Second, Solicitor Dorsey put in evidence, over the Defense’s strenuous objection, a transcript of Lehon’s testimony at the hearing of Frank’s extraordinary motion for a new trial wherein Lehon admitted paying Tedder \$500 when he employed Tedder a few days before the making of the Ragsdale and Barber Affidavits; and Solicitor Dorsey brought from Dr. B. Wildauer the admission that he was present and saw Lehon pay Tedder the money. (This is the sum the State will undertake to show was divided between Ragsdale, Barber, Thurman and Tedder).

Other features of the morning session were the testimony of W. W. (Boots) Rogers, employed by the Burns Agency during the Burns investigation of the Frank Case, that Lehon sent him to Ragsdale and Barber on the night they made the Affidavits to warn them not to discuss the Affidavits with any one except Burns Agents; and the testimony of H. D. Thomason, of Nelson, Ga., who once sued Ragsdale, that Ragsdale's character is notoriously bad and that he would not believe Ragsdale on Oath.

Judge Hill announced when Court opened at 9 o'clock that afternoon sessions will be held, to hurry along the trial. At 1 o'clock court took recess for lunch and reconvened at 1:30.

The Court Room was crowded again on Friday.

DENIES CHARGE.

Judge Powell, resuming his cross examination of Ragsdale when Court opened Friday morning, proceeded directly to question the witness concerning his mental capacity, and dwelt upon this during the remainder of the cross examination.

He asked the witness if it were not true, after the contents of his Affidavit became public, that he found himself the subject of much opprobrium.

"I don't know as to that," was Ragsdale's reply, "but there was a good deal of excitement."

When Ragsdale professed very little knowledge of Church Committees sent to see him as the result of the Publication of the Affidavit Judge Powell asked him if he did not see mention of these committees in the newspapers. To this the witness replied that his family wouldn't let him read the newspapers, fearing he might suffer a mental breakdown.

"Do you claim to be weak minded?" asked Judge Powell.

"People may think I am," replied Ragsdale, "but I don't claim to be."

By repeated questions, Judge Powell elicited from the witness in this connection that he had told "Brother" Jackson, a preacher, that his mind had never been the same since a spell he had about two years ago.

"Were you not told a short time ago by an Attache of the Solicitor General's Office that you could not be prosecuted for this perjury because you are weak-minded?"

"No."

"Did nobody ever suggest to you that this would be an ample Defense if you were prosecuted for perjury?"

KNEW OF AFFIDAVIT

"No."

The witness admitted, however, in reply to questions, that although he made his confession of perjury more than a year ago, no effort has yet been made to bring him to trial for perjury.

Continuing along the same line, Judge Powell elicited the statement from Ragsdale that he was unconscious a part of the time while in Attorney Rosser's Office making the Affidavit, that he remembered certain things that happened, but could not remember certain other things, but that his mind cleared before he left the Office, and he was rational when he got the money on the following day and knew enough at that time to realize his Affidavit was false.

Replying to questions, the witness denied he had told the Baptist Ministers' Conference, several months later, that his recollection was blank as to make the Affidavit, blank as to receiving any money, and that the first he knew of the money was when he found it in his pockets upon his arrival at home that night. The witness also denied that he made these statements to the Fulton County Grand Jury as late as last Monday.

Repeatedly Ragsdale replied: "I don't remember," when asked searching questions, and one of the questions to which he

made this reply was: “Didn’t you ask Mr. Rosser to keep your Affidavit quiet and not let anything about it get into the newspapers?”

Here, Judge Powell switched from questions touching Ragsdale’s mental status, and turned his attention to questions concerning certain of Ragsdale’s business transactions.

In reply to questions, Ragsdale denied that when he was being sued for the recovery of certain property which it was charged he acquired by fraud, he gave as an answer to the suit that he had sold the property. The Defense here stated that they would introduce Ragsdale’s answer, from the Court Rec-

(Continued on Page 4, Col. 3.)

PDF PAGE 4, COLUMN 3

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(Continued from Page 1.)

ords in the Case, showing that he did make this answer.

At 10 o'clock, Judge Powell finished his cross-examination and Ragsdale was questioned for about thirty minutes by Solicitor Dorsey on the redirect examination.

"Judge Powell calls 'doctor,'" said the Solicitor. "Are you a doctor of Divinity or a medical doctor?"

"I'm not either one."

"Then, where did you get this title which Judge Powell has been so careful to use in addressing you?"

"I reckon I got it from Thurman. He always called me 'Dr. Ragsdale.'"

In reply to questions, Ragsdale declared his mind was normal when he had the telephone conversation with 'the deep-voiced man who sounded like Lehon and promised him \$10,000 more if the thing went through, and that his mind was normal when he was negotiating with Thurman looking to the making of the Affidavit.

The next witness called was W. W. (Boots) Rogers, formerly a Fulton County policeman and later employed by William J. Burns during the Burns Agency's investigation of the Mary Phagan murder mystery.

Rogers testified that Lehon sent him to the homes of Barber and Ragsdale, on the evening of the day they made the Affidavits, to tell them not to talk to anybody unless it was a Burns Agent,

and to make the Burns Agent show a blue card before taking his word that he was a Burns Agent.

Solicitor Dorsey then asked Rogers if it was customary for the Burns Agency to warn all their witnesses not to talk, and he said it was. He said he had warned Maude Bailey, and he knew of others who had been warned.

REFUSED TO TALK.

Asked if he ever heard Lehon talk to Ragsdale over the telephone, Rogers replied in the negative. Asked if he ever heard Burns talk to Ragsdale on the telephone, he replied in the Affirmative, and detailed the circumstances, as follows:

Burns had sent him to Ragsdale to get the names of more people who would testify to his good character, explaining that some of the people whose names he had furnished were unwilling to indorse him. Rogers failed to see Ragsdale, the family turning him away at the door. On reporting this to Burns, the latter called Ragsdale on the telephone, and got the reply that Ragsdale didn't want to talk. "This is William J. Burns," the Detective told him. "I don't give a damn who you are," Ragsdale replied, and hung up the telephone.

After considerable difficulty Solicitor Dorsey got from Rogers a statement making it appear that Burns and Lehon exercised particular care and caution with Barber and Ragsdale.

Judge Powell dismissed Rogers with a few unimportant questions.

Solicitor Dorsey then submitted as documentary evidence an Agreement between Thurman and Ragsdale, dated December 24, 1913, wherein Thurman agreed, in consideration of \$300 paid him by Ragsdale, to assume certain claims on which Ragsdale was then being sued by H. D. Thomason, of Nelson, Ga. Also as documentary evidence, the Solicitor tendered a registered letter from Thurman to Ragsdale inclosing a bill for \$500 Attorney's fees with a peremptory note saying if the bill was not made at once he

would sue for Collection. This letter was dated April 29, 1914, after Ragsdale had repudiated his Affidavit.

H. D. Thomason, the man named in the agreement, was then put on the Stand as a State's witness, and he sprang a surprise, under cross-examination, by swearing he wouldn't believe Ragsdale on Oath.

After he had testified as to suing Ragsdale, Solicitor Dorsey told him, "You may come down."

"Hold on a moment," put in Judge Powell.

"Do you know the general character of C. B. Ragsdale, and is that character good or bad?"

"It is not very good," the witness reluctantly replied.

"Answer the question one way or the other," commanded Judge Hill. "Is his character good or bad?"

"It is bad," replied Thomason.

"Would you believe him on Oath?" asked Judge Powell.

"No, I would not."

Judge Powell said, "You may come down."

Then the Solicitor stopped him, and asked: "Do you base your opinion of Ragsdale's character on his confession of perjury or upon what you know of him previous to that confession?"

SAYS CHARACTER BAD.

"Why, I've known Ragsdale eight or ten years," said Thomason. "His character is notoriously bad. I reckon nobody that knows him would believe him on Oath."

Solicitor Dorsey then tendered an Affidavit by C. C. Tedder, signed in his Office on April 29, after Ragsdale had repudiated his Affidavit, in which Tedder swore the first he knew of the Affair was when he saw Barber and Ragsdale in Thurman's Office about 15 minutes before they went to Attorney Rosser's Office and made

their Affidavits. They appeared to object to talking in his presence, so he left. Later, Tedder continued in this Affidavit, he heard Ragsdale say something to this effect: "I didn't want to get into this Case, but when I read in the papers about Frank tearing at the bars of his Cage until his finger nails were bleeding, it became a matter of conscience with me, and I had to tell what I knew." Later the same day, Tedder continued, he saw Lehon and said: "Well, I understand the preacher made an Affidavit," to which Lehon replied: "Yes, Thurman got him to come through." Tedder further swore in the Affidavit that he was paid no money and saw no money paid to anyone else.

It developed in connection with the reading of this Affidavit that it was dictated by Tedder to the Solicitor in the presence of Attorney W. M. Smith, the lawyer for Jim Conley at the trial, who later publicly declared a belief in Conley's guilt on the murder. Tedder, at the time of the Barber and Ragsdale Affidavits, had been recently employed in Attorney Smith's Office.

IDENTIFIES TRANSCRIPT.

The Solicitor put D. O. Smith, Court Stenographer, on the Stand to identify a transcript of Lehon's evidence at the hearing of Frank's extraordinary motion for a new trial, and brought out from the Stenographer the fact that the Ragsdale-Barber Affidavits were made while that hearing was in progress.

When the Stenographer started to read portions of Lehon's evidence, Judge Powell asked that the Jury retire from the Room, while he voiced a strenuous objection to the admission of Lehon's testimony. He pointed out that the most important statements by Lehon were brought out at the hearing at the direct order of Judge Hill, after the detective had protested against the questions put to him by the Solicitor.

Judge Powell cited a decision rendered by Judge Hill, while on the Court of Appeals, and he called this decision the strongest opinion in America on the subject of inadmissibility of incriminating evidence, given under compulsion by a Defendant.

He declared that the Solicitor in asking the questions then was seeking to incriminate Lehon, and that Lehon protested at the time because he realized that Mr. Dorsey was endeavoring to secure incriminating evidence.

Judge Hill told the Attorney that it was his recollection that Lehon protested because he did not wish to divulge the private monetary transaction of the Burns Agency.

Judge Powell asked permission to put Lehon on the Stand to show why he objected at the time of the hearing to the Solicitor's question, but Judge Hill refused to hear from Lehon, and announced that he would admit the transcript.

The Jury returned and the Solicitor read most of the Detective's evidence, which in substance was an Admission that prior to the date of the Ragsdale-Barber Affidavits, he had received \$500 from Herbert J. Haas, of counsel for Frank, the money being part of the ordinary payments to the Burns Agency for their service.

About April 15 or 16, a week prior to the time the Ragsdale Affidavit was made, Lehon testified, according to the transcript, that he employed C. C. Tedder, who told him of several witnesses, most of whom were then in other Cities, who might testify in the Case, and Tedder offered to go after them. Accordingly, Lehon testified he paid Tedder \$250 in advance as salary for one month and that he also gave him \$250 to be used as expense money in making out of town trips. Lehon testified that at the time of this payment he had not heard of Ragsdale and Barber.

The transcript also showed a statement by Lehon to the effect that Tedder had phoned him that Thurman, with Ragsdale and Barber, was on the way to the Burns Office just before they reached there and offered to make the Affidavits.

MIND UNSOUND, SAYS SON.

W. A. Ragsdale, son of the preacher, was called by the State, but proved a reluctant witness. The State attempted to show that Thurman telephoned to the Ragsdale residence on the day after the Affidavit was made and attempted to talk to the preacher, but this was ruled out by Judge Hill when young Ragsdale admitted that he did not know Thurman's voice and simply took the speaker's word for his identity.

Cross-examined by Judge Powell, young Ragsdale made the flat statement that his father is of unsound mind.

The young man stated that his father's mind and his Business both failed in 1907, and that since that time his father has frequently had "spells."

Asked by Judge Powell for an explanation of "spells," young Ragsdale said that sometimes his father had a wild look in his eyes, that showed when he was "crazy." Answering the question, the young man said that he could always tell whether or not his father was sane by looking at him, but didn't know if other people could distinguish his father's lapses.

He said that he didn't notice anything wrong with his father on the day the Affidavit was made nor on the following day. He learned, he said, that his father had made an Affidavit in the Case on April 24 and two days later, he first heard Mr. Ragsdale repudiate the Affidavit.

He declared that during that time, he allowed only members of the Plum Street Baptist Church to see his father.

Dr. Ben Wildauer of 69 Windsor Street, friend of Leo M. Frank, was the next witness called to the Stand, by the State.

Dr. Wildauer said that he, as a friend of Frank, induced Burns to take up the Case during March of 1914, but a statement as to the nature of the Contract with Burns was ruled out by Judge Hill.

The witness said that he has always believed that Tedder knows the truth of the Frank Case, and that he suggested to the Burns people that they employ Tedder, as the latter had worked

on the Case as an Agent for W. M. Smith, Conley's Attorney, and was in a way connected with the Case.

TEDDER EMPLOYED.

On April 16, he testified, he was present when Lehon employed Tedder, paying him \$500 cash, \$250 as an advance salary, and \$250 for expenses , and he witnessed Tedder's signature to a receipt. Ask why he thought Tedder knew the truth of the Frank Case, Dr. Wildauer said that the man when conversing about it always had a suave and knowing smile, and he thought that from Tedder's position as Agent for Smith, he probably had valuable information.

Replying reluctantly to questions Dr. Wildauer said that he first heard a preacher mentioned as a figure in the Case during the fall or winter of 1913, and he admitted that he spoke of the rumor of a preacher to Lehon between the time that he employed Burns, and the Burns people employed Tedder.

The Solicitor put this question to the witness: "You employed Burns and then set out with Lehon to get a preacher?"

"No, no," answered the witness.

"Then tell the jury what you did."

Dr. Wildauer started to explain that he offered few suggestions to Burns as the latter's expert knowledge made suggestions unnecessary, but Dorsey interrupted, asking the Stenographer to read his questions to the witness again. At this point, Judge Hill announced a recess of half an hour for lunch.
